

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

TENASKA III, TENASKA III
PARTNERS, and TENASKA PARIS,

Plaintiffs,

V.

TTP, EMPECO, TEXAS PARIS
COGEN, and DPC POWER,

Defendants.

8:06CV257

ORDER OF DISMISSAL REGARDING DEFENDANT EMPECO, INC.

The matter before the court is the unopposed Motion to Dismiss Claims Against Empeco, Inc. (Filing No. 11), with prejudice. The court finds that this matter should be dismissed with prejudice against defendant Empeco, Inc.

IT IS THEREFORE ORDERED that, pursuant to Fed. R. Civ. P. 41(a), the plaintiffs' cause of action against the defendant Empeco, Inc., only, is hereby dismissed in its entirety, with prejudice, and with the parties to be responsible for their own costs and attorney fees.

DATED this 11th day of May, 2006.

BY THE COURT:

s/Joseph F. Bataillon
United States District Judge